

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

PARKER-HANNIFIN CORPORATION and)	CASE NO. 1:07-cv-00238-CAB
PARKER INTANGIBLES LLC,)	
Plaintiffs,)	Judge Christopher A. Boyko
v.)	AMENDED AND SUPPLEMENTED
BALDWIN FILTERS, INC. and)	COMPLAINT
CLARCOR INC.,)	JURY DEMAND
Defendants.)	

THE PARTIES

1. Plaintiff Parker-Hannifin Corporation ("Parker") is an Ohio Corporation having its headquarters at 6035 Parkland Blvd., Cleveland, Ohio 44124-4141 and having its Racor Division at 3400 Finch Road, Modesto, California 95353.

2. Plaintiff Parker Intangibles, LLC ("PI") is a Delaware limited liability company having its principal place of business at 6035 Parkland Blvd., Cleveland, Ohio 44124-4141.

3. On information and belief, Defendant Clarcor Inc. ("Clarcor") is a Delaware corporation having its registered agent's address at Corporation Trust Center, 1209 Orange Street, Wilmington, Delaware, 19801.

4. On information and belief, Defendant Baldwin Filters, Inc. ("Baldwin") is a Delaware corporation having its registered agent's address at Corporation Trust Center, 1209 Orange Street,

1 Wilmington, Delaware, 19801, and is a division of Clarcor having
2 its headquarters at 4400 East Highway 30, Kearney, Nebraska,
3 68847, and sells various products in Ohio through retailers,
4 distributors and resellers, including the products at issue in
5 this action.
6

7 **JURISDICTION AND VENUE**

8 5. This is an action for patent infringement arising
9 under the patent laws of the United States, 35 U.S.C. § 1 et
10 seq.

11 6. This Court has subject matter jurisdiction pursuant to
12 28 U.S.C. §§ 1331 and 1338.

13 7. Venue in this District is proper under 28 U.S.C. §§
14 1391 and 1400(b).
15

16 **BACKGROUND**

17 8. On July 4, 2006, U.S. Patent No. 7,070,692 ("the '692
18 patent"), entitled "Fuel Filter With Keys," was duly and legally
19 issued by the United States Patent and Trademark Office. A true
20 and correct copy of the '692 patent is attached as Exhibit A.

21 9. On August 8, 2006, U.S. Patent No. 7,086,537 ("the
22 '537 patent"), entitled "Extension and Locking Assembly for
23 Dripless Element, and Container Therefore," was duly and legally
24 issued by the United States Patent and Trademark Office. A true
25 and correct copy of the '537 patent is attached as Exhibit B.

26 10. On January 16, 2007, U.S. Patent No. 7,163,623 ("the
27 '623 patent"), entitled "Fuel Filter with Keys," was duly and
28

1 legally issued by the United States Patent and Trademark Office.
2 A true and correct copy of the '623 patent is attached as
3 Exhibit C.

4 11. On January 10, 2006, U.S. Patent No. 6,983,851 ("the
5 '851 patent), entitled "Extension and locking assembly for
6 dripless element, and container therefore," was duly and legally
7 issued by the United States Patent and Trademark Office. A true
8 and correct copy of the '851 patent is attached as Exhibit D.

9 12. The '692, '537, '623, and '851 patents are owned by
10 PI. Parker is the exclusive licensee of the '692, '537, '623,
11 and '851 patents, with the right to sue for past, present and
12 future infringement and the right to seek injunctive relief and
13 monetary damages.
14

15 13. Baldwin has manufactured and sold, or is presently
16 manufacturing and selling, filters and filter elements ("the
17 accused filters") including filter elements designated as Model
18 Numbers PF7789, PF7889, PF7890, and P7235. Upon information and
19 belief, the accused filters are sold to retailers, distributors
20 and resellers who resell the product throughout the United
21 States, including in the State of Ohio.
22

23 **COUNT ONE**

24 14. Parker and PI (hereinafter "Plaintiffs") incorporate
25 the allegations set forth in Paragraphs 1-13 above as if each
26 were separately set forth at length herein.
27
28

21. Baldwin is infringing and inducing others to infringe the '537 patent in violation of 35 U.S.C. § 271, such acts of infringement have been committed in this judicial district and others, and will continue to do so unless and until enjoined by the Court.

22. Plaintiffs have suffered and will continue to suffer damages and irreparable injury as a result of Baldwin's infringement.

23. Baldwin was given actual notice of Plaintiffs' published United States Patent Application 11/207,099 ("the published '099 application"), which subsequently issued as the '537 patent. Despite actual knowledge of Plaintiffs' patent rights and their applicability to the accused filters, Baldwin has willfully continued to infringe Plaintiffs' rights in the '537 patent.

COUNT THREE

24. Plaintiffs incorporate the allegations set forth in Paragraphs 1-13 above as if each were separately set forth at length herein.

25. The accused filters infringe one or more claims of the '623 patent.

26. Baldwin is infringing and inducing others to infringe the '623 patent in violation of 35 U.S.C. § 271, such acts of infringement have been committed in this judicial district and

1 others, and will continue to do so unless and until enjoined by
2 the Court.

3 27. Plaintiffs have suffered and will continue to suffer
4 damages and irreparable injury as a result of Baldwin's
5 infringement.
6

7 28. Baldwin was given actual notice of Plaintiffs' rights
8 in the '623 patent. Despite actual knowledge of Plaintiffs'
9 patent rights and their applicability to the accused filters,
10 Baldwin has willfully continued to infringe Plaintiffs' rights
11 in the '623 patent.
12

13 **COUNT FOUR**

14 29. Parker and PI (hereinafter "Plaintiffs") incorporate
15 the allegations set forth in Paragraphs 1-13 above as if each
16 were separately set forth at length herein.

17 30. The accused filters infringe one or more claims of the
18 '851 patent.

19 31. Baldwin is infringing and inducing others to infringe
20 the '851 patent in violation of 35 U.S.C. § 271, such acts of
21 infringement have been committed in this judicial district and
22 others, and will continue to do so unless and until enjoined by
23 the Court.
24

25 32. Plaintiffs have suffered and will continue to suffer
26 damages and irreparable injury as a result of Baldwin's
27 infringement.
28

1 33. Baldwin was given actual notice of Plaintiffs' rights
2 in the '851 patent. Despite actual knowledge of Plaintiffs'
3 patent rights and their applicability to the accused filters,
4 Baldwin has willfully continued to infringe Plaintiffs' rights
5 in the '851 patent.
6

7 WHEREFORE, Plaintiffs request that a judgment be entered
8 against Baldwin:

9 a. Preliminarily and permanently enjoining Baldwin,
10 its officers, employees, subsidiaries, agents, attorneys and all
11 persons in active concert with them, from any further
12 infringement of the '692, '537, '623, and '851 patents;
13

14 b. Awarding damages, costs and interest to
15 Plaintiffs under 35 U.S.C. §§ 284 and 154(d);

16 c. Awarding up to treble damages upon a finding that
17 Baldwin's infringement has been willful under 35 U.S.C. § 284;

18 d. Declaring this case exceptional and awarding
19 Plaintiffs their reasonable attorney's fees, pursuant to 35
20 U.S.C. § 285; and
21

22 e. Awarding Plaintiffs such other and further relief
23 as this Court deems just and proper.

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DEMAND FOR JURY TRIAL

34. Plaintiffs hereby demand a jury trial on all triable issues presented by counts one through four and Plaintiffs' prayer for relief.

Respectfully submitted,

s/Harry D. Cornett, Jr.

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CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2008, a copy of the foregoing **Amended and Supplemented Complaint** was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Harry D. Cornett, Jr.

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